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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,443	02/12/2001	Yasuhisa Fujiwara	107943	8209
25944	7590	12/29/2003	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			NGUYEN, CUONG H	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,443

Applicant(s)

FUJIWARA, YASUHISA

Examiner

Cuong H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

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Commissioner for Patents

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DETAILED ACTION

1. Claims 1-35 are pending.
2. The IDS, filed 02/12/01, has been considered.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

4. Claim 11 recites the limitation "the other of the product selection information". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1- 4, 6-15, 17-24, 26-28, 30-35 are rejected under 35 U.S.C. 102(a) as being anticipated by Hartman et al (USP 5,960,411), hereinafter as Hartman.

A. As to claim 1: Hartman teaches a method and system for placing a purchase order via a communications network. Hartman teaches the claimed electronic commerce system for effecting electronic commercial transactions using a computer network in which computers are interconnected, the system comprising: means for identifying a user and generating user information in response to an access from a user terminal (obtain

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purchaser ID/info; see **Hartman**, server 210; Fig. 3 step 301; 3:35-55); means for receiving a product purchase request from the user terminal (get purchase order; see **Hartman**, server 210; 3:55-67; 4:10-20); means for creating product selection information for use by a first party that carries products, the product selection information for selection of at least one product, the product selection information is created on the basis of at least one of the product purchase request and the user information (order list; see **Hartman**, Fig. 1A; 5:8-15); and means for creating product delivery information for use by a second party that delivers products, the product delivery information for delivery of the at least one product, the product delivery information is created on the basis of at least one of the product purchase request and the user information (shipping information; see **Hartman**, 4:40-58, and 7:25-55).

B. As to claims 2, 13, 26: The rationales and reference for rejection of claim 1 are incorporated.

Hartman teaches the product purchase request comprises a request for two or more products, the means for creating product selection information causes the transmitted product selection information to include a product list of at least one of the two or more products that can be packed in a single package (combine multiple orders in one shipment; (see **Hartman**, 5:26-35; and 7:25-55).

C. As to claims 3, 4, 14, 15, 24, 28, 32, and 34: The rationales and reference for rejection of claim 1 are incorporated.

Hartman teaches the product list of the at least one of the two or more products that can be packed in a single package is produced by the means for creating product selection information on the basis of at least one of a weight and a volume of each of the

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products contained in the product purchase request (combine shipment based on size; see **Hartman**, 7:35-40).

D. As to claims 6, 17, and 30: The rationales and reference for rejection of claim 1 are incorporated.

Hartman teaches means for transmitting information pertaining to the at least one of the two or more products that can be packed in a single package, to the user terminal (see **Hartman**, server 210; 7:40-50).

E. As to claims 7, 18: The rationales and reference for rejection of claim 1 are incorporated.

Hartman teaches a first party that carries products is a general shop that carries a plurality of types of products (shop to provide for a variety of products; see **Hartman**, 1:45-50).

F. As to claims 8, 19, 33: The rationales and reference for rejection of claim 1 are incorporated.

Hartman teaches the means for creating product delivery information causes the product delivery information to include a delivery order in which the products are to be delivered (provide shipping date information; see **Hartman**, 5:40-55, 7:40-55, and Fig. 5).

G. As to claims 9, 12, 20, 23, 27, 31, and 35:

Hartman teaches means for permitting the user terminal to acquire at least one of a product selection status observed at the first party, and a delivery status observed at the

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second party (provide product order information/status and shipping status; see **Hartman**, 6:1-5).

H. As to claims 10, 21: The rationales and reference for rejection of claim 1 are incorporated.

Hartman teaches means for providing the user terminal with product information in response to a search request from the user terminal (see **Hartman**, server 210; provide product description; 4:15-30).

I. As to claims 11, and 22: The rationales and reference for rejection of claim 1 are incorporated.

Hartman teaches one of the product selection information and the product delivery information includes encrypted, secure information about the user, and the other of the product selection information and the product delivery information does not include the encrypted, secure information about the user (encrypting sensitive user information; see **Hartman**, 2:5-10) .

Claim Rejections - 35 USC § 103

I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 16, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman et al (USP 5,960,411), hereinafter as Hartman.

The rationales and reference for rejection of claim 1 are incorporated.

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Hartman does not specifically teach means for creating the product selection information causes the product selection information to include a pick-up order in which the products are picked up, the pick-up order being determined on the basis of locations of the respective products in the first party.

However, it is well-known in the art that on-line merchants provide many methods of delivery (by shipping through a third party or pick-up by customer at a local distributor/store location) to provide convenience and possible cost-savings to the consumers.

It would have been obvious to one of ordinary skills in the art to provide for the pick-up option of the purchased merchandise at a local distributor/store, in the invention of Hartman, to provide convenience and cost-savings to the consumer.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see the attached PTO-892).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 703-305-4553. The examiner can normally be reached on 7 am - 330 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VINCENT A. MILLIN can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Cuong H. Nguyen

CUONG H. NGUYEN
Primary Examiner
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